

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
**69A Hagood Avenue**  
**Charleston, South Carolina 29403-5107**  
**and the**  
**S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT**  
**1362 McMillan Avenue, Suite 400**  
**Charleston, South Carolina 29405**

REGULATORY DIVISION  
Refer to: P/N #2005-2W-442

17 FEBRUARY 2006

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**UNITED STATES FISH & WILDLIFE SERVICE**  
**CAPE ROMAIN NATIONAL WILDLIFE REFUGE**  
**C/O MR. MATTHEW V. CONNOLLY, REFUGE MANAGER**  
**5801 HIGHWAY 17 NORTH**  
**AWENDAW, SOUTH CAROLINA 29429**

for a permit to construct a cross dike within an existing impoundment in

**JACKS CREEK**

at a location, the existing Jacks Creek impoundment on Bull's Island, in the Cape Romain National Wildlife Refuge, Awendaw, Charleston County, South Carolina.  
(Latitude 32.91881°– Longitude -79.57800°)

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

**12 O'CLOCK NOON, MONDAY, MARCH 6, 2006**

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of placing approximately 17,258 cubic yards of fill material in approximately 0.66 acres of an existing impoundment to create a 1,300 foot long cross dike with a bottom width of 22', a top width of 16', and height of 8'. In addition, the applicant proposes to obtain the fill material for the dike by excavation of a borrow ditch on each side of the proposed dike as shown on the attached plans. The applicant has stated that the Jacks Creek impoundment is managed to be as close to fresh water as possible. This is important for waterfowl, shorebirds, and wading birds which utilize it to forage, reproduce, and escape the surrounding saline environment. This part of Bulls Island has experienced severe erosion over the past year which is threatening the current dike.

The proposed cross dike will prevent sea water from entering the impoundment when the current dike fails. The applicant has also stated that when the existing dike fails, the area between the existing dike and the proposed new dike will be allowed to revert back to a natural salt marsh. The purpose of the work as stated by the applicant is to protect the impoundment from salt water intrusion.

**NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the**

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.66 acres of brackish substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.


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Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

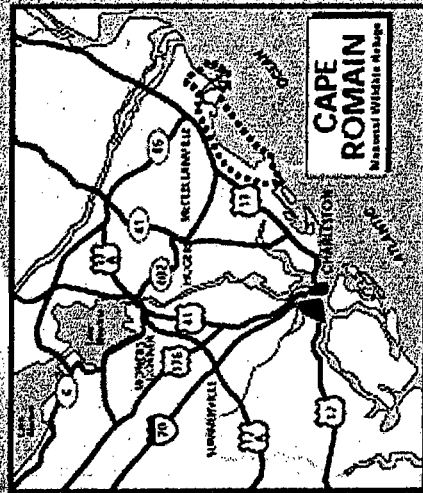
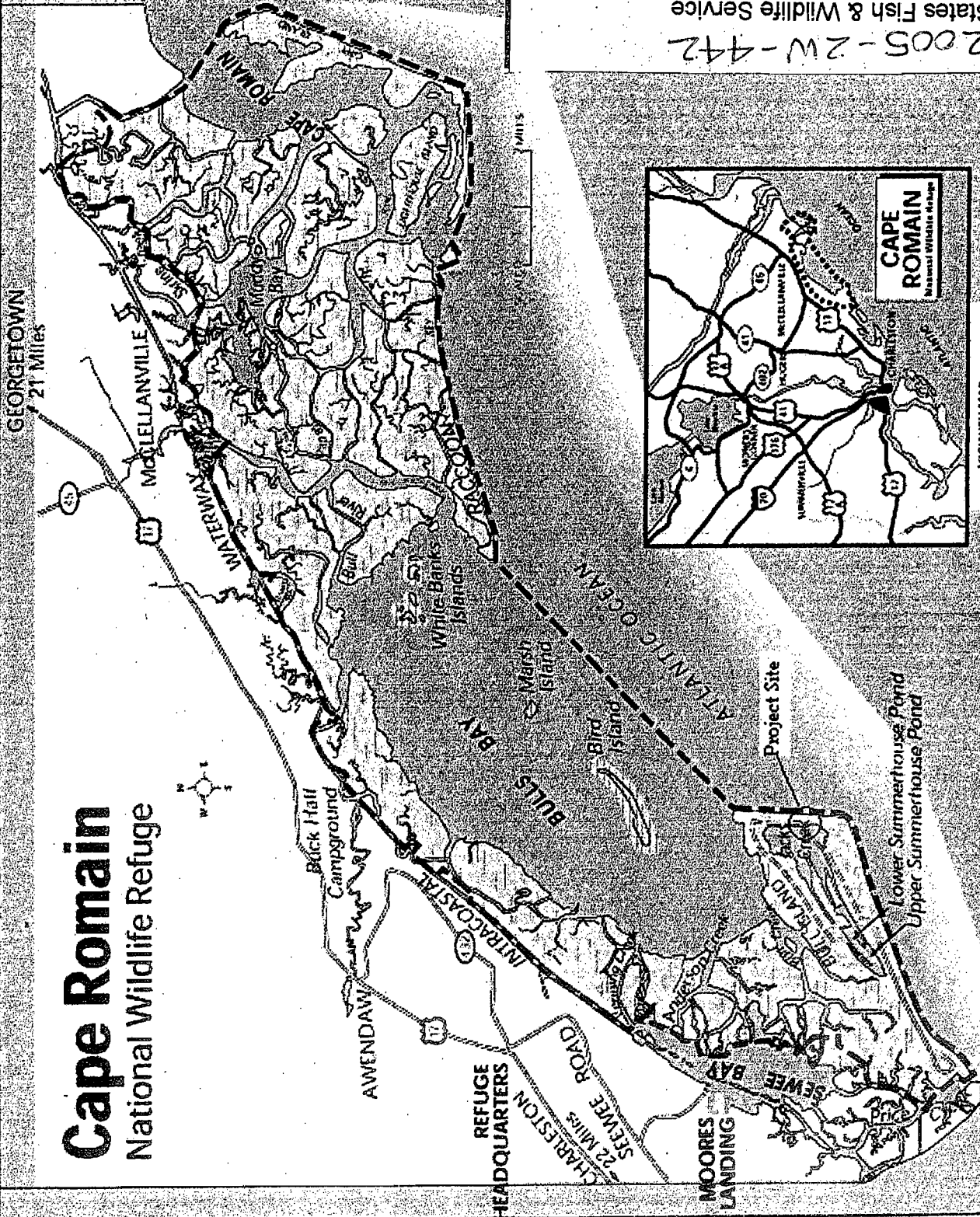
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

  
Mary Hope Glenn  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers

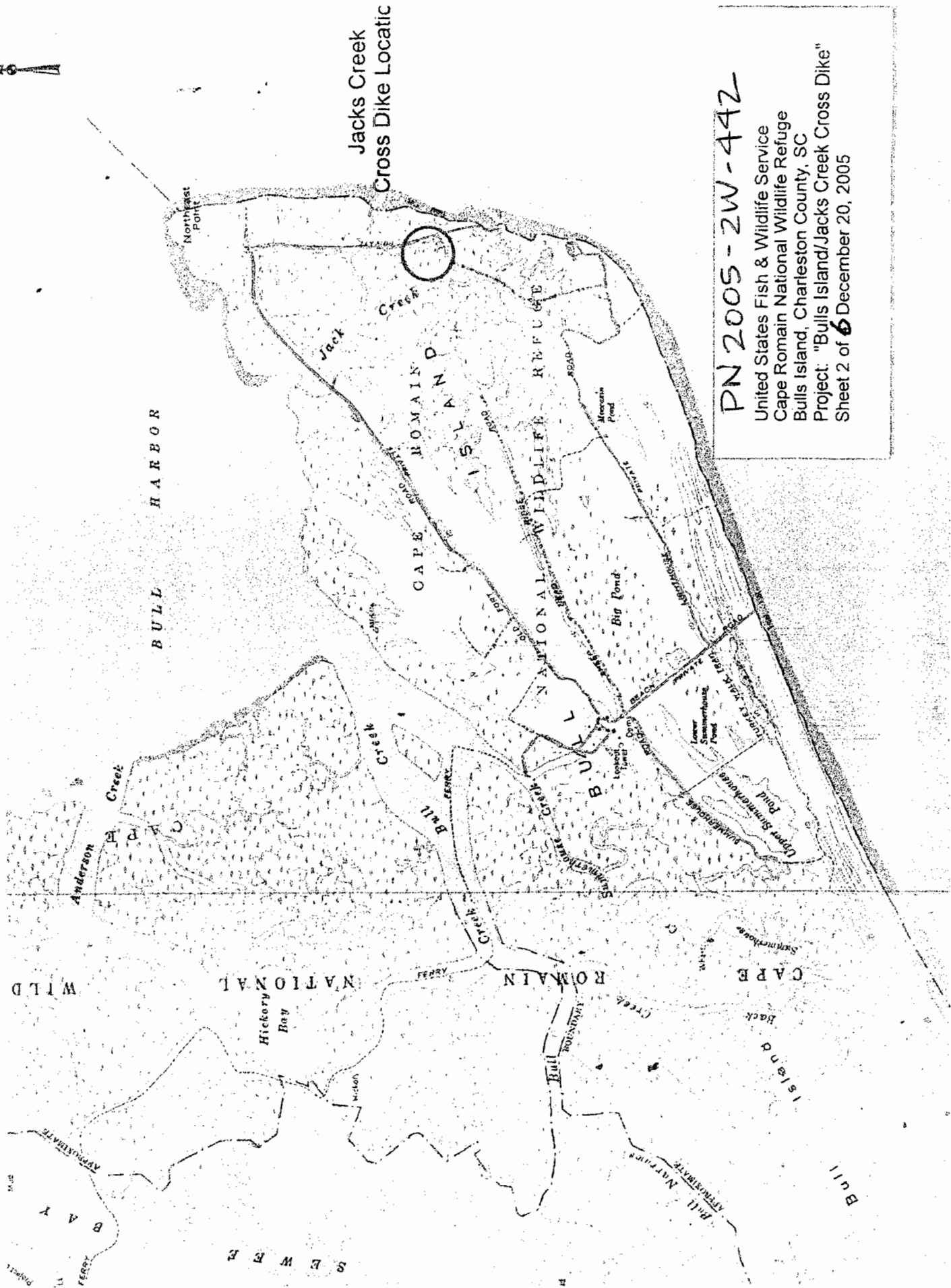
# Cape Romain National Wildlife Refuge



PN 2005-2W-442

United States Fish & Wildlife Service  
Cape Romain National Wildlife Refuge  
Bulls Island, Charleston County, SC  
Project: "Bulls Island/Jacks Creek Cross Dike"  
Sheet 1 of 2, December 20, 2005

# Bulls Island Quadrangle Map



Jacks Creek  
Cross Dike Locatic

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United States Fish & Wildlife Service  
Cape Romain National Wildlife Refuge  
Bulls Island, Charleston County, SC  
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# 1999 Aerial Photo of Project Site



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1999 Aerial Photo - Project Detail

Proposed Dike

Current level of Erosion

1000 Feet

500

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United States Fish & Wildlife Service  
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Bulls Island, Charleston County, SC  
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# Aerial View - Project Detail

Impoundment

- Proposed Dike ~ 1300' Long
- Borrow Ditch
- Current Dike
- Current level of Erosion

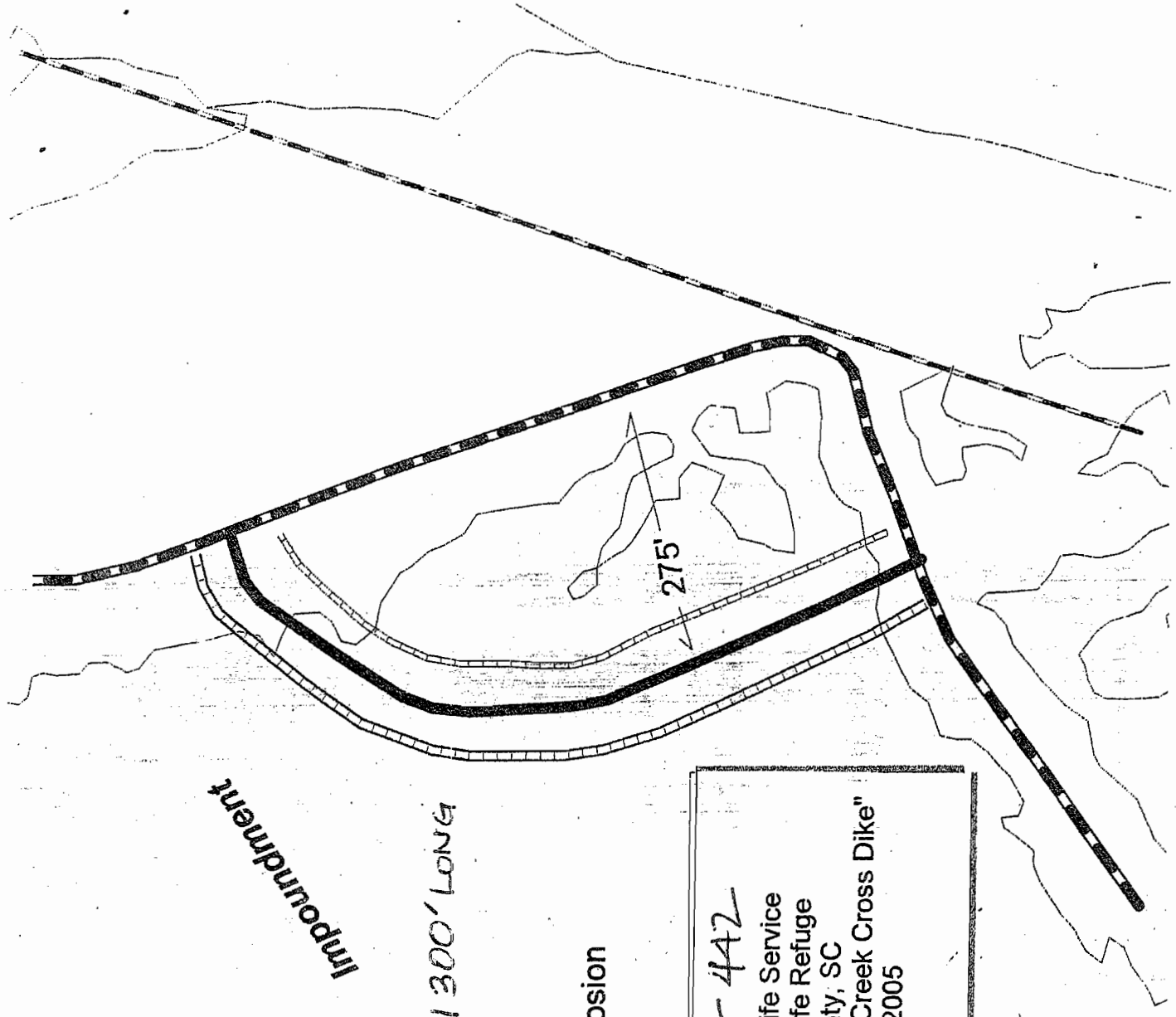
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Ocean

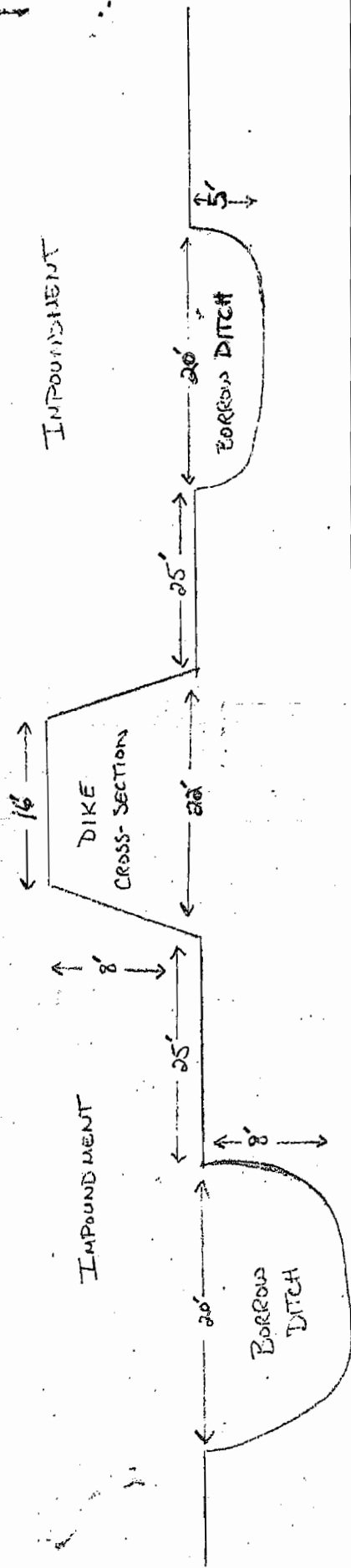
275'

N





# PROFILE VIEW - PROJECT DETAIL



PN 2005-2W-442

United States Fish and Wildlife Service  
 Cape Romain National Wildlife Refuge  
 Bulls Island, Charleston County, SC  
 Project: "Bulls" Island/Jacks Creek Cross Dike  
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